1947. File No. Societies Registration 47

K

Legal Department.
E. BRANCH

Subject:— Societies Registration Act, 1860

P 151/E

File No. Societies Registration/47

Gen. 194 e.

631-E

Finance Department.

Fees realised under the Societies Registration Act, are credited to the Provincial Head of Account in XXXVI miscellaneous Departments. So, the expenditure on account of the supply filing covers required by the Registrar of Companies in connection withe the administration of the Societies Registration Act, may for the propose of the proforma account be debited to the corresponding expenditure Head "47-Miscellaneous Department".

2. The draft. memo overleaf may issue.

SBM / 20/8/56.

Finance Department.

Bombay Castle.
14th August 1939.

No. 3126/33/16693-D.

Subject: Supply of file covers in connection ~~with the~~ with the administration of the Societies Registration Act XXI of 1860.

Memo.

The undersigned compliments to the Manager, Yeravda Prison Press, and, with reference to his letter No. R.S. 1138, dated 3rd August 1939, is directed to state that the cost of manufacturing 500 special file covers ordered to the supplied to the Registrar of companies in Govt. Memo. No. 3126/33/15434-D, dated 25th July 1939 may be debited to the Provincial Head of Account "47 Miscellaneous Deptt." for the purpose of the pro-forma account.

By order.

Dy. Secretary to the Govt. of Bombay.
F.D.

Finance Deptt.

The Regr. of Companies, for the reasons mentioned in his letter of 29th May 1942, inquires whether he may registrer the Jadhav Military Education Society under that name under the Societies Registration Act of XXI of 1860. The Regr. States that, there is nothing in that Act prohibiting any name. The promoters of the Society include a Bondwriter and a dentist. The total receipts of s. 3,182 for 1941 included an income from a show amounting to s. 3,029 and a loan of s. 150 from a member. The Society appears to fasten on an imposing name but appears unable to execute any of the objects mentioned in para. 2 of the Memo.

2. Attention is invited to Section 11(3) of the Indian Companies Act, 1913. Except with the previous consent in writing of the Governor General in Council no company shall be registered under that Act by a name which contains any word which is calculated to suggest any connection with His Majesty's Govt. or any Deptt. thereof. In view of this, the Govt. of India refused permission to the use of the word "Army" in the name of a proposed Company in 1920. The present society is, however, to be registred under Act XXI of 1860.

3. It is likely that this Society may have been inspired to adopt the proposed name on the analogy of the Bhonsla Military College, Nasik. The E.D. may be requested to state the circumstances under which the word "Military" was allowed to be adopted in the case of the latter institution.

sd/-

U.O. to L... dt. 12-6-42 with E.D. comp. 7946-Misc/( ).

SSM / 20/8/56.

E. D.

The question whether the Bhonsala Military School at Nasik or the Shivaji Military School at Poona should be permitted to use the word 'Military' had never been raised nor referred to Govt. for orders. Both these schools have been recognised by the E.D. so that it is quite clear that we have no objection to the use of the word 'Military' being permitted. The Bhonsala Military School at Nasik is managed by the Central Hindu Military Education Society but it is not known whether the Society has been registered.

2. This may be referred to the P.D. with the above note & with the remark that this Deptt. sees no objection to permitting the use of the word 'Military'.

Finance Deptt.

Submitted with ref. to on dated 11-6-42.

2. It will be seen from the E.D. note that this Specific question of permitted the use of the word "Military" was not raised in this case of either the Bhonsla Military School or the Shivaji Military School. It seems in these cases no separate Societies were formed to run the Schools and so the question of registring them under the Societies Regn. Act did not arise.

3. It will be seen from Section 3 of the Societies Regn. Act, 1860 that the Act is being administered by Provl. Govt. through this Regrs. of Companies. There is noting so far as this Act is concerned, that debars a Society to adopt any name it choose. The doubt has however been raised by the Regr. of company in the present instance about the admissibility of the word "Military" in the name of the Society (Jadhav Military Educ. Society) on account of the provisions of section 11 of the Indian Companies Act. The R.I.A. may therefore be requested to state whether the use of the word "Military" in the name of the Society would be permissible.

We may refer the point to C. & P. A Copy of the Reg.'s letter may be sent to them. Please put up draft.

Resubmitted after issue of letter to Govt.

2. These papers may now be shown U.O. to the Regr. of companies for his information.

U. O. R. to Regr. of Court dt. 8/7/42.

Registrar of Companies.
No. O/344, of 1942-43.
Bombay, 11th, July 1942.

Seen and returned with compliments.

Registrar of Companies of Bombay.

No. 3126/33/15565-D.

61.

Finance Department.

Bombay Castle, 4th July 1942.

From

VENKATAPPIAH, Esquire, I.C.S.,
Deputy Secretary to the Government of Bombay,
Finance Department.

To

The Secretary to the Government of India,
Department of Commerce, New Delhi.

Subject :- Societies Registration Act, 1860:
Jadhav Military Education Society -
use of the word "Military"

Sir,

I am directed to enclose a copy of letter No. O/185 dated 29th May 1942 from the Registrar of Companies, Bombay, on the subject mentioned above and to enquire whether, in the circumstances stated by the Registrar, the word "Military" may be permitted to be used in the name "Jadhav Military Education Society". The Societies Registration Act, under which this Society seeks registration, does not impose any restrictions on the use of any particular words in the names of Societies registred under it. But in view of the restrictions imposed in an analogous context by Section 11 of the Indian Companies Act, the question arises whether it would be in order to permit the use of a word or words likely to convey directly or indirectly Government connection or patronage, in the case of Societies seeking registration under the Societies Registration Act. I am to request therefore that this Government may be favoured with the views of the Government of India in the matter.

Your obedient servant,

Deputy Secretary to the Government
to Bombay, Finance Department.

Accompaniment :- Copy of Registrar's letter (without accompaniments.).

Finance Department.

No. 4126/33-D.

dt. 2nd, Sept., 1942.

To

The Secretary to the Govt of India,
Deptt. of Commerce, New Delhi.

Subject: Societies Registration Act, 1860.
Jadhav Military Education Society.
The use of the word "Military".

Sir,

I am directed to invite attention to this Deptt. letter No. 3126/33/15565-D dated 4th July 1942 on the Subject mentioned above and to request for an early reply thereto.

SSM / 20/8/56.

No. 239/42-Public.
Government of India,
Home Department.

From

V. Shankar, Esquire, I.C.S.,
Under Secretary to the Government of INDIA.

To

The Secretary to the Government of
Bombay, Finance Department.

Subject:- Question whether the word "Military" should be allowed to be used in the name "Jadhav Military Education Society".

New Delhi, the 1st Sept. 1942.

Sir,

With reference to your letter addressed to the Department of Commerce, No. 3126/33/15565-D, dated the 4th July, 1942, on the subject mentioned above I am directed to say that the Government of India have no objection to the use of the word "Military" by the "Jadhav Military Education Society" proposed to be registered under the Societies Registration Act, 1860.

I have the honour to be,
Sir,
Your most obedient servant,

UNDER SECRETARY TO THE GOVERNMENT OF INDIA.

(No. 311ix42).

(Below copy of Govt. H. . letter No. 239/42 dt. 1st Sept., 1942).

Finance Deptt.

No. 3126/33-D. Bombay Castle, 9th Sept, 1942.

Forwarded to the Registrar of Companies Bombay, for information and guidance with reference to his letter No. 0/185 dated 29th May 1942.

By order etc.

Raja Bahadur Mansion,
32, Apollo Street, Fort,
Bombay. 24th Sept. 1946.

No. G.230.

From

The Registrar of Companies,
Bombay.

To

The Secretary to the Govt. of Bombay
Finance Department, Bombay.

Re:- Card Index Cabinet for the Societies Cards-
Societies Registration Act XXI of 1860.

I have the honour to refer to the correspondence resting with my letter dated 16th August, 1946 and to inquire as to how the matter stands.

Your obedient servant,

Registrar of Companies,
Bombay.

Finance Deptt.

Sanction has been accorded to the purchase of Card Index Cabinet. Vide this Deptt. memo No. 3126/33-D, dated 21-9-46. No action is therefore necessary on these papers. They may be filed.

Supdt. D. Br.

SSM / 20/8/56.

Office of the R.L.A.

"Political Object"
Societies Registration Act, 1860.

Object No. 5 of the objects for which "the Blind Men's Association" is established is to initiate, promote and advance measures for the removal of grievances of the blind. Prima facie this object would include initiation of measures to enlist public sympathy and support in the cause of ameliorating the conditions of the blind Assuming that this object further includes legislative measures for the relief of the blind, it cannot be said that this is a political object; for "political object" means an object pertaining or relating to the policy, administration or organization of Government. (see Black's Law Dictionary). Legislation for the relief of the blind would scarcely have any connection with the policy, administration or organization of Government as such. Consequently, there appears no objection to registering the Society under the Societies Registration Act, 1860.

Remembrancer of Legal Affairs.

U.R. to F. . o. 9730 dated the 6th Octo., 1948

SSM / 20/8/56.

No. D-733/47-C&G. (Judl)
Government of India.
Ministry of Law.

From

K.Y. Chandarkar, O.B.E.,
Joint Secretary to the Government of India.

To

The Secretary to the Government of Bombay, Home Deptt.
Bombay.

New Delhi the 29th November, 1947.

Subject:- Amendment of the Societies Registration Act, 1860 (XX of 1860).

Sir,

I am directed to say that there is no provision in the Societies Registration Act, 1860, for changing the name of a society registered under the Act. The Act is an enabling measure under which any society of the kind mentioned in section 20 can register itself in the manner prescribed by the Act. On such registration the society acquires a special status and becomes entitled to certain rights and subject to certain liabilities. For example, under section 5 the property of the society is vested in the governing body of the society. Under section 6, the society can sue or be sued in the name of the person indicated in the section and section 7 provides that no such suit shall abate by reason of the death of such person. Section 8 provides for enforcement of judgment against the society.

2. The Bombay High Court in a recent judgment has held that a society registered under the Societies Registration Act, 1860 (XX of 1860) has a certain legal entity and can be described as a quasi-corporation (Satyavart vs. the Arya Samaj, Bombay, 48 Bombay Law Reporter 341). The legal status of such a society is held to be similar to that of a registered trade union. The name in which the Society is registered assumes considerable importance since it is in its registered name that it can enjoy the various benefits conferred by the Act. It will be

It will be noticed that special provision is made in sections 23 and 25 of the Indian Trade Unions Act, 1926 for changing the name of a trade union. In the absence of a similar provision in the Act of 1860 registered society cannot claim any of the benefits of the Act if its registered name is changed.

4. The Government of India are therefore of the opinion that the defect in the Act should be remedied by making express provision for changing names of Societies Registered under the Act. Since the Act is relatable to entry 33 in the provincial Legislative List "Unincorporated trading, literary, scientific, religious and other societies and associations" they recommend that, if the provincial Government have no objection, the necessary legislation may be undertaken by the Provincial Government.

5. I am to request that the receipt of this letter may x kindly be acknowledged and the action taken by the Provincial Government communicated to this Ministry in due course.

I have the honour to be,
Sir,
Your obedient servant,

Joint Secretary to the Government
of India.

SSM / 20/8/56.

Finance Department. -(D).

Submitted with reference to this Deptt. note dated 10-2-1946.

2. The Registrar of Companies states that the 88 years old Societies Registration Act is totally inadequate in exercising any control over the 1600 Societies so far registered under this Act, and considers it essential to amend the Act. The Societies Registration Act is Central Act. In the opinion of the Registrar of Companies if the Provincial Govt. is to amend the Act, then there will be different Societies Acts in different Provinces. Presumably the Registrar intend that the amendments to the Act may be enacted by the Central Govt. However, if the Provincial Govt. decides to amend the Act, in the opinion of the Registrar, it is far more satisfactory to pass a new Act called the "Bombay Societies Registration Act", instead of carrying out several amendments in the old Act.

In this connection it is pointed out that in the past the Registrar of Companies had proposed certain amendments to the Act. In 1942 the Maharastra Chamber of Commerce had also represented that the Provincial Govt. should undertake legislation with a view to modifying the Act. It was then decided to postpone consideration of the question till after the war - vide D.S. (Bud.)'s note dated 27-5-42. Recently in the year 1946 on a complaint of Mr. A.J. Waldhana, the Registrar of Companies stressed the need for amending the Act but this being a big question it was postponed - vide Secy's note dated 14-3-1946.

In the present case the Govt. of India wants the Provincial Govt. to undertake legislation in the matter. It is for orders whether the Registrar of Companies should be ~~asked~~ asked to put up proposals for amendment of the Societies Registration Act of 1860, or whether he should be asked to submit his proposals for the new "Bombay Societies Registration Act". If it is decided that a new Bombay Act is to be enacted instead of amending the old Central Act, these papers may be referred to the L.D. for remarks with a request to state whether the Provincial Govt. is competent to pass a new Act of its own in place of a Central Act.

Finance Department (D).

Submitted with reference to office note dated 3-3-48 and Secy's. note dt. 4-3-48.

2. The draft amendments submitted by the Registrar of Companies, Bombay are just similar to subsections 4, 5 and 6 of section 11 of the Indian Companies Act 1913 except that of proposed section 12-D regarding fee of Rupee 1 for each copy of certificate of registration of a Society. The amendments are not so important, and as such no public opinion may be called for. However, Govt. sanction will have to be obtained before the bill is sent to the Legislature. Before submitting the case to Govt. the L.D. may be requested u.o. to examine the legal implications of the proposed amendments.

Secy.

Please see G. of India letter on page 5, and proceeding on pages 13-15. If L.D. agrees that, pending wholesale reenactment of the measure which will take time, the act may be amended on the point mentioned by the G. of India, R.L.A. will be requested to Scrutinise the draft submitted by the Registrar.

Sd/-

U.O.R. to R.L.A. dt. 15-4-48.

SSM / 20/8/56.

slip A

such governing body may submit the proposition to the members of the Society and may convene a special meeting for the consideration of the proposal to change the name of the Society according to the regulations of the Society, but no such proposition shall be carried into effect unless such proposition has been passed by a majority of not less than three fourths of such members of the Society;

Whereas it is expedient to amend the Societies Registration Act (Act XXI of 1860); it is hereby enacted as follows:-

I. This Act shall be called the Societies -- Registration (Amendment) Act 1948.

II. It shall come into force from such date as may be declared by the Governer of Bombay.

III. It extends to the whole of the Province of Bombay.

IV. The existing section 12 of the Societies -- Registration Act, 1860 shall be renumbered as 12A, and the following sections shall be added as sections 12B, 12C, 12D and 12E.

12B. Whenever it shall appear to the Governing body of any Society registered under this Act, that it is advidable to change the name of the Society according to the regulations of the Society, but no such proposition shall be carried into effect unless such proposition has been passed by a majority of not less than three fourths of such members of the Society, Sup. A entitled to vote as arepresent in person at a special meeting of which notice specifying the intention to propose the resolution of change of name has been duly given to all the members entitled to vote, not less than 10 clear days previous to such special meeting.

12C. Where a Society duly passes a resolution for the change of name in the manner prescribed in Section 12B; it shall duly file a true copy of the resolution for change of name with the Registrar of Companies, who

who shall register such resolution and shall record the change of name and shall issue a ~~mix~~ new certificate of registration of the Society, duly altered to meet the circumstances of the case. On the issue of such a certificate (and not until then), the change of name shall be complete.

12D. A fee of Rupee one shall be payable to the Registrar of Companies in respect of every copy of certificate of registration of a Society.

12E. The change of name shall not affect any rights or obligations of the Society, or render defective any legal proceedings by or against the Society and any legal proceedings commended against a ~~m~~ Society by its former name may be continued by its new name.

SSM / 22/8/56.

Legal Department.

A revised draft Bill is sent herewith.

2. A provision empowering the Registrar to refuse to register a change of name is necessary. Sub-section (1) of new section 12A provides for this. Sub-section (3) of the same section also provides that fees charged for copies of certificates shall be accounted for to the Provincial Government. This provision is made in view of the provision contained in section 3 of the Act requiring that fees paid to the Registrar for registration shall be accounted for to the Provincial Govt.

3. The subject-matter of the Bill falls under entries 33 and 54 in the Provincial Legislative List in the Seventh Schedule to the Government of India Act, 1935. As the Bill does not relate to any matter enumerated in the Concurrent Legislative List, it is not necessary to reserve the same for the consideration of the Governor General with reference to section 107(2) of the Government of India Act, 1935. The Bill does not require any sanction or recommendation under the said Act.

Sd/-

Additional Secretary to Government.

U.T. to F.S., No. 6741, dated the 19th July 1948.

SSM / 20/8/56.

L. A. Bill No. of 1948.

A Bill to amend the Societies Registration Act, 1860, in its application to the Province of Bombay.

WHEREAS it is expedient to amend the Societies Registration Act, 1860, in its application to the Province of Bombay, for the purposes hereinafter appearing; it is hereby enacted as follows:-

XXI of 1860.

Short title.

1. This Act may be called the Societies Registration (Bombay Amendment) Act, 1948.

Amendment of section 12 of Act XXI of 1860. XXI of 1860.

2. In section 12 of the Societies Registration Act, 1860, hereinafter called the said Act, after the words 'other society' the words ' or whenever the governing body of any society registered under this Act decides to change the name of the society' shall be inserted.

Insertion of new sections 12A and 12B in Act XXI of 1860.

3. After section 12 of the said Act, the following new sections shall be inserted, namely:-

12A. (1) Where a proposition for change of name has been agreed to and confirmed in the manner prescribed by section 12, a copy of the proposition so agreed to and confirmed shall be forwarded to the Registrar of Companies for registering the change of name. If the proposed name is indentical with that by which any other existing society has been registered, or in the opinion of the Registrar so nearly resembles such name as to be likely to deceive the public or the members of either society, the Registrar shall refuse to register the

the change of name.

(2) Save as provided in sub-section (1) the Registrar shall, if he is satisfied that the provisions of this Act in respect of change of name have been complied with, register the change of name and issue a certificate of registration altered to meet the circumstances of the case. On the issue of such a certificate the change of name shall be completed.

(3) The Registrar shall charge for any copy of a certificate issued under sub-section (2) a fee of rupee one and all fees so paid shall be accounted for to the Provincial Government.

Effect of change of name.

12B. The change in the name of a society shall not affect any rights or obligations of the society or render defective any legal proceeding by or against the society; and any legal proceeding which might have been continued or commenced by or against it by its former name may be continued or commenced by or against it by its new name.".

SSH / 22/8/56.

Legal Department.

With reference to this Department U.R. No. 6741, dated the 19th July 1948, forwarding a revised draft Bill to amend the Societies Registration Act, 1860, the Finance Department is informed that it has since been brought to the notice of the R.L.A. that there are certain societies which have effected change of their names and that it is considered that provision should be made in the Bill to validate such change of names already effected. The Finance Department is requested to ascertain whether this is correct and to considere whether validating legislationes proposed is necessary.

sd/—

For Additional Secretary to Govt.

U.R. to F.D., No. 6965, dated the 26th July 1948.

SSH / 22/8/56.

Finance Deptt.

The main case regarding the proposed Bill to amend the Societies Registration Act has been under submission to the chief Sec. and all U.Ms. It seems that there are no Societies which have effected change of their names. However the Registrar of companies may be requested to offer his immediate remarks. If there are any such Societies necessary provision will have to be made in the proposed Bill.

U.O.R. to the Regr. of Companies, Bombay.
dt. 28-7-48.

SSM / 22/8/56.

No. G. 230.

Registrar of Comapanies.
Bombay. 29th July, 48.

Returned with compliments.

2. A few Societies have effected change of name so far. The question had been referred to the R.L.A. in 1944, and he had advised that it is a matter outside the scope of the Societies Registration Act, but that if a Society did change its name, the Registrar should take the change on record, but that it was not necessary to issue a fresh certificate. This procedure has been followed by me since 1944.

sd/-

Registrar of Companies, Bombay.

Finance Deptt.
D.

Submitted with reference to this Deptt. note dt. 28-7-1948.

2. In view of the above statement of the Regr. of companies, it is necessary to make provision in of the Societies which have effected change of their names in the proposed amendment to the Societies Registration (Bombay Amendment) Act 1948. The case which is under circulation to the Honourable Ministers should be referred to the R.L.A. after its return from the circulation.

Pl. put this up as soon as the case is received back from H.M.

Finance Deptt.

Submitted wit ref. to the U.S.'s note above.

2. The case has since returned from the circulation to all H.Ms. The papers may now be referred to the R.L.A. for inserting necessary provision for Societies would have already effected of their change of their name. He may G.N.T. be requested to treat the case as very urgent.

sd/- U.O.R. to R.L.A. dated 20-8-48.

Legal Department.

In order to validate change of names already effected by some of the societies registered under the Societies Registration Act, 1860, a new section 12C may be inserted in that Act, as follows :-

Registration of change of names effected before coming into force of Bom. of 1948. Bom. of 1948.

12C. If any society registered under this Act has, before the date of the coming into force of the Societies Registration (Bombay Amendment) Act, 1948, intimated to the Registrar of Companies the change of its name and if the Registrar has recorded such change, the Registrar may, notwithstanding anything contained in this Act, on an application made by the society in this behalf and on payment of a f as provided for in sub-section (3) of section 12A, register the change of such name and issue a certificate to the society under sub-section (2) of the said section 12A. On the issue of such certificate the change shall be deemed to be complete from the date on which such change was recoreded by the Registrar, notwithstanding the fact that the society had not followed the procedure prescribed in sections 12 and 12A.".

2. A revised draft Bill incorporating the above amendment is sent herewith.

sd/-

Additional Secretary to Govt.

U.R. to F.D. No. 8284, dated the 27th August., 1948.

L.A. Bill No. of 1948.

A Bill to amend the Societies Registration Act, 1860, in its application to the Province of Bombay.

WHEREAS it is expedient to amend the Societies Registration Act, 1860, in its application to the Province of Bombay, for the purposes hereinafter appearing; It is hereby enacted as follows :-

XXI of 1860.

Short title.

1. This Act may be called the Societies Registration (Bombay Amendment) Act, 1948.

Amendment of section 12 of Act, XXI of 1860.

2. In section 12 of the Societies Registration Act, 1860, hereinafter called the said Act, after the words "other society" the words "or whenever the governing body of any society registered under this Act decides to change the name of the society" shall be inserted.

Insertion of new sections 12A, 12B and 12C in Act XXI of 1860.

3. After section 12 of the said Act, the following new sections shall be inserted, namely :-

"Registration of change of name.

12A (1) Where a proposition for change of name has been agreed to and confirmed in the manner prescribed by section 12, a copy of the proposition so agreed to and confirmed shall be forwarded to the Registrar of Companies for registering the change of name. If the proposed name is identical with that by which any other existing society has been registered, or in the opinion of the Registrar so nearly resembles such name as to be likely to deceive the public or the members of either society, the Registrar

Registrar shall refuse to register the change of name.

(2) Save as provided in sub-section (1), the Registrar shall, if he is satisfied that the provisions of this Act in respect of change of name have been complied with, register the change of name and issue a certificate of registration altered to meet the circumstances of the case. On the issue of such a certificate the change of name shall be complete.

(3) The Registerar shall charge for any copy of a certificate issued under sub-section (2) a fee of rupee one and all fees so paid shall be accounted for to the Provincial Government.

Effect of change of name.

12B. The change in the name of a society shall not affect any rights or obligations of the society or render defective any legal proceeding by or against the society; and any legal proceeding which might have been continued or commenced by or against it by its former name may be continued or commenced by or aganist it by its new name.

Registration of change of names effected before coming into force of Bom. .... of 1948.

12C. If any society registered under this Act has, before the date of the coming into forde of the Societies Registration (Bombay Amendment) Act, 1948, intimated to the Registrar of Companies the change of its name and if the Registrar has recorded such change, the Registrar may, notwithstanding anything contained in this Act, on an application made by the society in this behalf and on payment of a fee as provided

provided for in sub-section (3) of section 12A, register the change of such name and issue a certificate to the society under (2) ~~of this section~~ sub-section (2) of the said section 12A. On the issue of such certificate the change shall be deemed to be complete from the date on which such change was recorded by the Registrar, notwithstanding the fact that the society had not followed the procedure prescribed in sections 12 and 12A."

SSM. 22/8/56.

STATEMENT OF OBJECTS AND REASONS.

A Society registered under the Societies Registration Act, 1860 (XX of 1860) has a certain legal entity and can be described as a quasi-corporation. The legal status of such a society is held to be similar to that of a registered trade union. The name in which the society is registered assumes considerable importance, since it is in its registered name that it can enjoy the various benefits conferred by the Act. There is no provision for changing the name of a Society in the Act of 1860. In the absence of such a provision a registered society cannot claim any of the benefits of the Act if its registered name is changed. The amendment is intended to remedy the defect in the Act.

Dated September 1948.

SSM / 22/8/56.

Bill to Amend the Societies Registration Act, 1860, in its application to the Bombay Province.

The Bill was approved by the Cabinet in it meeting of 31-8-1949.

Pl. take further steps urgently (I presume that further calculation N.F.Ms. - and H.B. is not necessary, his this may be verified).

The Bill stands included in the agenda for the September session of the Legislature.

SSM / 22/8/56.

Finance Department (D).

Please see instruction 25(5) on page 26 of Rules of Business made under Section 69 of the Govt. of India Act, 1935 and Instructions issue thereunder according to which the draft bill approved by the Minister in charge is to be circulated to Governor and other ministers. The Bill to amend the Societies Registration Act has been approved by the H.M.F.D. and has been circulated to all the ministers. But H.I. has not seen the Bill at any stage. It is, therefore, suggested that the Bill may be submitted to H.M. through H.M.F.D. and H.I.

H...F.D. may be requested to affix his signature to the statement and objects of the Bill at p. 37.

sd/—

Finance Deptt. D.

These papers may now be forwarded to the Legal Deptt. for publication of bill Ten Copies of the bill are enclosed for the use of that Deptt. S.M.T.

sd/—

Below extract from the decisions of Government reached at a Meeting of the Council of Ministers held at 11-30 A.M. on 31st August 1948 at the Secretariat, Bombay.

Political and Services Deptt.,
Secretariat,
Bombay, 13-9-1948.

Forwarded with compliments to :

The Secretary to Government, Finance Department in accordance with Instruction 11(4) of the Rules of Business.

Sd. M.D. Bhatt.
Secretary to the Council of Ministers.

Item 2 :- Societies Registration (Amendment) Bill. The draft Bill was approved.

SSM / 22/8/56.

No. P.S.G.- 3883.

From

THE PRIVATE SECRETARY TO THE GOVERNOR OF BOMBAY.

To

The Additional Secretary to the Government of Bombay, Legal Department.

Subject : The Societies Registration (Bombay Amendment) Bill, 1948.

Government House,

Ganeshkhind. October 28, 1948.

Sir,

With reference to your letter No. 261-L, dated October 19, 1948, on the subject noted above, I return herewith, with His Excellency the Governor's assent signified thereon, the authentic copy of the Societies Registration (Bombay Amendment) Bill, 1948.

Yours faithfully,

L.M.Nadkarni.

Private Secretary
to the Governor of Bombay.

No. P.S.G.- 3584.
Office of the Private Secretary to the Governor
Government House,
Ganeshkhind, 28 October 1948.

Copy forwarded with compliments for information to the Secretary to Government, Finance Deptt., with reference to his endorsement No. 3126/33-D, dated October 21, 1948.

By order of the Governor of Bombay,

Private Secretary
to the Governor of Bombay.

ACTS.

Publication of the Societies Registration (Bombay Amendment) Act, 1948.

GOVERNMENT OF BOMBAY.
Legal Department.
Resolution No. 10108.
Bombay Castle, 4th November 1948.

Letter to the Private Secretary to the Governor, No. 261-L, dated the 19th October 1948.

Letter from the Private Secretary to the Governor, No. P.S.G.- 3503, dated the 28th October 1948;

"With reference to your letter No. 261-L, dated October 19, 1948, on the subject noted above, I return herewith, with His Excellency the Governor's assent signified thereon, the authentic copy of the Societies Registration (Bombay Amendment) Bill, 1948."

RESOLUTION:- The law should be published as Bombay Act No. LIII of 1948, in the Bombay Government Gazette dated the 5th November 1948.

2. The Act should be translated into Marathi, Gujarati, Kannada and Hindustani (in Urdu and Devnagari scripts) and the translations should be published in the Bombay Government Gazette.

3. A copy of the Act should be forwarded to the Finance Department with reference to the Memorandum from that Department dated the 14th September 1948.

By order of the Governor of Bombay,

L. CHAUDHARI,
Assistant Secretary to Government,

To

The Manager, Government Central Press, Bombay (with a copy of the Act with a request that 30 Gazette copies of the Act may be forwarded to the Legal Department.).

The Finance Department,
The Orientkal Translator to Government,
The Bombay Legislature Department,
The Director of Publicity, Bombay,
The Enquiry Officer for the Secretariat, Bombay.
} with a copy of the Act.

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* With five extra copies of the Act.

SSM / 22/8/56.

Finance Department - (D).

The Bill to amend the Societies Registration Act, 1860 has been passed by the L.A. It will shortly be introduced in the L.C. The Bill, when enacted, may be applied to the partially excluded areas in this Province. The draft notification for this purpose is put up for approval on page 5 post. The notification will be published in the B.G. G. on the same date on which the Societies Registration (Bombay Amendment) Act, 1948, will be brought into force in the Province of Bombay by a notification.

sd/-

SSM / 22/8/56.

Notification.

Finance Department.
Bombay Castle, 1948.

No. 3126/33-D.-- In exercise of the powers conferred by sub-section (1) of section 92 of the Govt. of India Act, 1935, the Governor of Bombay is pleased to direct that the Societies Registration (Bombay Amendment) Act, 1948 (Bom. of 1948) shall apply to the partially excluded areas in the Province of Bombay.

By order of the Governor of Bombay,

sd/—

Secretary to Government.

Notification.
Finance Department.

Bombay Castle, 5th November 1948.

No. 3126/3.-D.— In exercise of the powers conferred by Sub-section (1) of Section 92 of the Govt. of India Act, 1935, the Governor of Bombay is pleased to direct that the Societies Registration (Bombay Amendment) Act 1948 (Bombay Act No. LIII of 1948) shall apply to the partially excluded area as in the Province of Bombay.

By order of the Governor of Bombay,

B. VENKATAPPIAH.

Secretary to Government.

Under Secretary to the Govt. of Bombay,
Finance Department.

No. G. 230/ S. 38.

Registrar of Companies.
Bombay. 23rd Feb. 1948.

Returned with compliments.

2. The question whether a Society may change its name, and if so whether I should issue a new certificate showing the change of name was referred by me to Government for ~~in~~ favour of legal opinion in 1943, and the H.L.A. was pleased to hold that a Society may change its name, that I can take the change of name on record but that it is not necessary to issue any fresh certificate.

3. Follwong the above directions I had taken the Resolution passed by the Hindu Widows Home Association on record, but informed them that I had no power to grant a new certificate of registration.

4. I agree with the remarks made by the above society stressing the need to amend the Act, and may refer to my remarks in the linked case.

sd/-

Registrar of Companies,
Bombay.

.....

Finance Department-(D).

Submitted with this Deptt. note dated 17-1-1948 on the linked case.

2. Please see the linked case, the following letter to the Secy. Pingne Stree Shikshan Samastha may issue.

sd/-

SSM / 22/2/56.

S.O./47.

Registrar of Companies,
Bombay, 6th Sept. 1949.

Returned with compliments.

2. In case the Secretary, Matunga Samaj Sevak Committee desires to register the Committee under the Societies Registration Act 1860, he may be requested to apply to this office for registration.

3. The documents which are required to be submitted are (1) Memorandum of Association and (2) Rules and Regulations of the Committee.

4. The Memorandum of Association should contain as under :-

(i) Name.
(ii) Objects.
(iii) Names, addresses and occupations of the persons to whom by the Rules the Management of affairs is entrusted.

5. The Memorandum of Association should be signed by at least 7 subscribers.

6. The Rules should be certified as true Rules by 3 members of the Managing Committee.

7. On receiving the above documents this office will scrutinize whether each of the objects of the Society fall within the purview of Sec: 20 of the Societies Registration Act and if so the Society may be registered

8. The Society will also be required to pay the fee of Rs. 50/- by M.O.

Sd. xx xx xx
Regr. of Companies, Bombay.

SSM / 22/8/56.

Finance Deptt. (D).

The Registrar of Companies states that the objects of the Ahmedabad House Owners Association do not fall within the perview of Section 20 of the Societies Registration Act, 1860 and requests Govt. to refer this question to the Law Officer for opinion whether the objects of this Association can be said to fall within the perview of the Societies Registration Act and whether such Associations can be registered by him.

The Societies which may be registered under the Societies Registration Act are mentioned in Section 20 of the Act. There are :-

Charitable Societies, Military Orphan Funds, Societies for promotion of Scince, Literature, or the Fine Arts, for Indstruction, diffusion of useful knowledge, diffusion of political education, libraries, reading rooms, Museums, galleries of paintings and other works of Art, natural history inventions etc.

The Hon. General Secy. of the Association states that the objects of the Association fall under the catagory - diffusion of useful knowledge and hence the objects of the Association do come within objects and purposes contemplated under the Act. In the case of "Navjiwan Sangh" the R.L.A. had opined that the objects of the Sangh are for the charitable purposes as the Sangh aimed at economic amelioration of the village artisans through village and home industries. In the present case the question is whether the objects of the Ahmedabad House Owners' Association can be said to fall within the meaning of diffusion of useful knowledge under the Societies Registration Act. These papers may be referred u.o. to R.L.A. for favour of remarks. The R.L.A. may also be requested to state whether the Registrar can register such Associations under the Societies Registration Act.

Sd/-

U.O.R. to R.L.A. dated. 13-1-50.

The Societies Registration Act, 1860. Section 20.

The Ahmedabad House Owners' Association is as is evident from its aims and objects, formed for the purpose of safeguarding the rights and interests of the Ahmedabad house owners, an objectimax alien to the purpose of the Societies Registration Act, 1860. Consequently the Association cannot be registered under that Act.

sd/—

Remembrancer of Legal Affairs.

U.R. to F.D. No. 2943 dated the 2nd March 1950.

SSM / 22/8/56.

The Regr. of Cos. has forwarded a copy of the Memorandum of Assocn. of one Jati-Nirmulan Sanstha which has approached him for registration under the Societies Regrn. Act. He has requested Govt. to refer the papers to the law officers to obtain their opinion whether the objects of the J.N.Sanstha fall within the purview of sec.20 of the Societies Regrn. Act and whether a society with such objects can be registered thereunder.

The Regr. holds that certain objects, e.g. later part of clause 2, cl.3, cl.4 as also the general cl.1 stated in the Name. of the Sanstha, are not charitable objects and also do not come within the scope of Sec.20 of the S.Regrn. Act. The Sanstha merely declares that each of its objects aims at the diffusion of useful knowledge about the creation of casteless India Society.

The Advocate Genl. has in the past held that, for registration under the S.Regrn.Act, it is necessary that all the objects of the societies should be falling within the purview of Sec.20 of the Act.

These papers may, therefore, be referred u.s. to the R.L.A. with reference to 'A' above..

Id/-
30-5-52.

D. S. (M)

Id/-
31-5

U.O.R. dated 2.6.52 to R.L.A., Bombay.

F.D.XIII.

Submitted with reference to office not dated 30.5.52 (Overleaf).

The R.L.A. has remarked that a religious purpose may be a charitable purpose and that a society for religious purposes will ordinarily be a society for charitable purpose. He opines that the Samstha is a charitable Society which can be legally registered under the Societies Regrn. Act,1860.

A copy of the R.L.A's report may be forwarded to the Regr. of Cos. (vide para 3 of his letter dated 28.5.52).

The draft memo may be issued.

Id/-
23.6.52

Id/-
25.6
A. S. (M)

F.D.XIII

Submitted with reference to the above office note.

Pl. see the letter dated 4-7-52 from the Regr. of Cos., wherein he has asked for the copy of the Memorandum of the Jati-Nirmulan Samstha enclosed with his letter dated 28.5.52.

The same may be forwarded to him.

The memo. at p. 11/C may be issued.

Id/-
10-7-52

Id/-
10-7
A. S. (M)

R.D.P.
23/8/56.
S.C.

A religious purpose may be a charitable purpose and a Society for religious purposes will ordinarily be a Society for charitable purposes (28 All. 384; A. I.L.R. (1940) Mad. 671).

The principal object of the Jati-Nirmulana Sanstha is to make the Hindu and other Societies casteless and homogeneous while the objects set out in the other clauses are really the measures which the Sanstha proposes to adopt in order to achieve its main object. Although Hindu Society has been specifically mentioned, the objects are not restricted to that Society alone. Assuming that they are so restricted the object is to achieve not the advancement of religion by propagating religious worship or teaching but by undertaking a social reform which by itself will be beneficial to the community. The Sanstha is, therefore, a charitable Society which can be legally registered under the Societies Registration Act, 1860.

Sd/-

Remembrancer of Legal Affairs.

U.R. to F.D.No. 10231, dated, 19th June 1952.

R.D.P.
23/8/56

S.C.

6577/23 XIII

No.S.O.404/G 230 A.

From

Raja Bahadur Mansion,
32, Apollo-Street, Fort,
Bombay, 28th May 1952.

To

The Registrar of Companies,
Bombay.

The Secretary to the Govt. of Bombay,
Finance Department,
BOMBAY.

Subject: SOCIETIES REGISTRATION ACT:
JATI-NIRMULAN SANSTHA:
Registration of

Sir,

I enclose a copy of the memorandum of Association which has been submitted to me by the Jati-Nirmulan Sanstha Poona, for registration under the Societies Registration Act.

2. By my letter dated 21-11-51, I requested the Association to let me know how each of the objects stated in the Memorandum falls within the purview of Section 20 of the Societies Registration Act.

3. The Sanstha has replied in its letter dated 30-11-51 that each of the objects of the Sanstha aims at the diffusion of useful knowledge about the creation of castless Indian Society.

4. The Advocate General has in the past held that any societies the whole of whose objects fall within the purview of Section 20 of the Act can be registered thereunder and it is not sufficient that some of the objects are permissible under the Act.

5. In my opinion objects such as "to make the Hindu and other societies castless and homogeneous, to arrange interecast meals, to encourage intercaste marriages, to introduce suitable legislation, to make representations and lead deputations to the Government" are not charitable objects and also do not appear to come within the scope of Section 20 of the Societies Registration Act.

6. Formerly the question of registration of the Indian Medical Association (Maharashtra and Karnatak Provincial Branch) was referred to Government and Government were pleased

to hold that the objects viz. "upholding of the interests of the Medical profession and cooperation between members thereof" can be permitted (F.D.File No.6577/33).

7. I had also referred the question whether the objects of the Navjiwan Sangh can fall within the purview of the Societies Registration Act and Government were pleased to take the view that the Society could be registered under the Societies Registration Act 1860 (Vide F.D.6626-33D).

8. I therefore request that the Government may be pleased to refer the papers to the Law Officers of the Government and to obtain their opinion whether the objects as stated in the Memorandum of Association of the above Sanstha fall within the purview of Section 20 of the Societies Registration Act and whether a society with such objects can be registered thereunder.

Encl:1.

Yours faithfully,

Sd/-

Registrar of Companies, Bombay.

R.D.P.
23/8/56.

S.C.

Memorandum of Association of the Jati-Nirmulan-Sanstha.

1. Name: The name of the Association is 'Jati-Nirmulan Sanstha'. The office of the Association will be at a place directed by the Sanstha. At present it is at 898, Shivajinagar, Poona 4.

2. Objects: (1) To make the Hindu and other societies caste-less and homogeneous.

(2) To bring about the needed change in the menta attitude and especially the ways of the peopl hold conference, gatherings, lectures, writ-ings, interviews, exchange of thoughts, publish papers or periodicals, arrange inter-caste meals, encourage intercaste marriages, open branches of the Association all over the country etc.

(3) To try to introduce suitable legislation.

(4) To make representations and lead deputations to the Government.

(5) To keep aloof from politics and political parties.

3. Names, addresses and occupations of the office-bearers and the members of the Working-Committee of the Association:

President:

Hon. Shri Kalejirao Naik-Nimbalkar, Rajasaheb of Phaltan, Minister for Labour and Industrie Bombay State, Permanent address: Phaltan, Dist. N. Satara.

Vice-Presidents:

Shri Sau. Laxmidevi Naik-Nimbalkar, Rahisaheb Phaltan Phaltan, Dist. N. Satara.

Shri Baburao G. Jagtap,

Founder of and Worker in the Shivaji Maratha Society, Poon. 1248, Shukrawar Peth, Poona 2.

Contd 2/-

Working Committee.

1. Dr. R.P.Paranjpye,(Chairman),M.A.(Cantab),D.Sc.(Cal.)
Retd.Principal Fergusson College and Former High Commissioner for Australia, Poona 4.

2. Shri Sau. Girjabaisaheb Raste,
Sardarinbai & Social Worker,
801, Rasta Pate, Poona 2.

3. Maharshi Dr. Dhondo Keshav Karve,
Founder of the Women's University,
Law College Road, Poona 4.

4. Prin. Dr. Sumant K. Muranjan,
Sydenham College of Commerce & Economics,
90, Hornby Road, Bombay 1.

5. R.B. G.M.Kalbher,
Retd. Hon.Magistrate & Member Legislative Council.
253, Shukrawar Peth, Poona 2.

6. Dr. V.M.Navale,
Journalist, 444, Rasta Peth, Poona 2.

7. Shri R.K.Gadekar,
Personal Assistant to the Backward Class Officer,
816, Bhavani Peth, Padamji Compound, Poona 2.

8. Shri P.V.Shinde,
Govt. Servant, "Ramvihar", 1292, Shivajinagar,
Poona 5.

9. Shri B.V.Naik,
Retd. Railway Officer,
Nanavati Colony, 431/102, Shukrawar Peth,
Poona 2.

10. Shri S.G.Therat,
Social Worker, 45, Vetal Peth, Poona 2.

Hon.Secretary.

11. Shri K.V.Godbole, B.A.,LL.B.,
Retd. Dewan of Phaltan, 895, Shivajinagar,
Poona 4.

Treasurer.

12. Shri K.S.Keskar,
Managing Director, D.G.&Co.,
Phaltan, Dist. N. Satara.

We the undersigned seven members of the Jati-Nirmulan Sanstha subscribe our names to the above memorandum of Association.

Sd:R.P.Paranjpye
Sd:K.V.Godbole
Sd:D.K.Karve
Sd:B.L.Likhite
Sd:D.V.Tahmankar
Sd:U.Ketibhaskar
Sd:P.V.Shide

R.D.P.
23/8/56.
S.C.

No.3126/33/73021-XIII

F. D.
Secrt.(Annexe.)
Fort, Bombay.
27th June '52.

Sub: Jati-Nirmulan Sanstha;
Regrn. under the Societies Regrn.Act.

Memo:

The undersigned presents compliments to the Regr. of Cos. and, with reference to his letter No. S.O. 404/G 230A, dated the 28th May 1952 on the above subject, is directed to forward herewith a copy of the note of the Remembrancer of Legal Affairs Govt. of Bombay on the above subject.

By order of the Govt. of B'bay.

Sd/-
25/6

Asstt.Secy. to the Govt. of B'bay.
F. D.

R.D.P.
23/8/56

S.C.

No.M.S.C. 445.
Poona: 16th February 1952.

To,

The Secretary to Government,
General Department, Bombay.

Subject: Widows' Home, Poona.

Sir,

Accordingx to orders of Govt. contained ink their Resolution General Department No.7067 dated 2nd October 1913 Kamxix the Society entitled as "The Widows Home Poona," was registered under the Act XXI of 1860. The Home was intended to provide shelter to the widows of Europeans and Anglo-Indians and it was looked after by the Chaplain of Poona. It was Charitable Institution.

A meeting of the committee of the Poona Widows' Home was held by the Chaplain of Poona for the purpose of dissolution of the committee as the Society was finding it impossible to meet the financial obligations, in particular the requirement of the Centonment Authority to fence the site. A copy of the Agenda of the meeting is enclosed.

In their meeting held on 9th February 1952 it was resolved subject to the sanction of Govt. of Bombay under Societies Registration Act No.XXI of 1860 as amended by Act II of 1912 to dissolve the widows' Home Poona, a society registered under the societies Registration Act XXI of 1860 and after satisfaction of all its debts and liabilities fx to hand over the assests of the society to the Poona Diocesan Corporation Ltd also a registered society under the Societies Registration Act. The Bishop of Poona has offered to take over the widows' Home with all that part of the property which is under the control of the widows' Home committee, undertaking to run the Home on non-denominational lines and retaining the present inmates and admitting others without discrimenation, provided he is permitted to conduct other charitable educational or social Institutions in the said premises with the object of xx making the widows' Home self supporting. A copy of the minutes of the meeting held on 9th February 1952 is enclosed.

In the circumstances I request that Govt may be pleased to accord sanction to the dissolution and transfer of the widows' Home Poona to the Poona Diocesan Corporation Ltd (Roman Catholic Bishop of Poona) after satisfaction of all its debts and liabilities.

Yours faithfully,

Sd/-

For Collector, Poona.

R.D.P.
23/8/56
S.C.

No.Q/230.

Raja Bhadur Mansion,
52,Apollo Street,Fort,
Bombay,7th Jany.1954.

From

The Registrar of Companies,
Bombay.

To

The Asstt.Secretary to The Govt. of Bombay.
Finance Dept.Bombay.

Sir,

Re:- Proposal to amend the Societies Registration Act,1860, for making provision for refund of registration fee.

Reference F.D.No.3126/33/48546-XIII dated 17th /24th December 1953, I state that whenever thef ees are received from Societies they are credited to the Personal Ledger Account. After the Society is registered, at the end of the the month, a cheque is drawn on the P.L.A. in respect of that etal fees and the amount is credited to XXXVI Miscellaneous Deptt. Provincial-Miscellaneous.

2. I may also add that until the Society is registered the fee is kept in suspense and in case society does not any/~~xxxxxxxxxxxxxxxxxx~~ desire to be registered such fees are refunded. No charges are made for correspondence or checking etc.

Yours faithfully,

Sd/-

Registrar of Companies,Bombay.

R.D.P.
23/8/56

S.C.